

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

IN RE:

Chapter 9

City of Detroit, Michigan,

Case No. 13-53846

Debtor.

Hon. Steven W. Rhodes

\_\_\_\_\_/

**THE DETROIT PUBLIC SAFETY UNIONS' LIMITED OBJECTION AND  
RESPONSE TO DEBTOR'S MOTION FOR ENTRY OF AN ORDER (A)  
DIRECTING AND APPROVING FORM OF NOTICE OF  
COMMENCEMENT OF CASE AND MANNER OF SERVICE AND  
PUBLICATION OF NOTICE AND (B) ESTABLISHING A DEADLINE  
FOR OBJECTIONS TO ELIGIBILITY AND A SCHEDULE FOR THEIR  
CONSIDERATION**

The Detroit Fire Fighters Association (the "DFFA"), the Detroit Police Officers Association (the "DPOA"), the Detroit Police Lieutenants & Sergeants Association (the "DPLSA") and the Detroit Police Command Officers Association (the "DPCOA") (collectively, the "Detroit Public Safety Unions"), through their counsel, Erman, Teicher, Miller, Zucker & Freedman, P.C., submit the following Limited Objection and Response to the Debtor's Motion for Entry of and Order (A) Directing and Approving Form of Notice of Commencement of Case and

Manner of Service and Publication of Notice and (B) Establishing a Deadline for Objections to Eligibility and a Schedule for Their Consideration [Docket No. 18]:

1. The Public Safety Unions have no objection to the Eligibility Objection Deadline<sup>1</sup> set forth in the Motion and as proposed by this Court in its July 30, 2013 Notice of *Proposed* Dates and Deadlines (the “Notice”) [Docket No. 190].

2. However, the Public Safety Unions object to paragraph 5 of the form of Notice of Commencement and manner of service and publication, attached as Exhibit 6-1 to the Motion [Docket No. 18, pp. 30-31], and to paragraph 7 of the proposed order submitted as Exhibit 1 to the Motion [Docket No. 18, pp. 23-24] to the extent that they propose to require that, in addition to the service required by the Bankruptcy Code, the Bankruptcy Rules and the Local Rules, any Eligibility Objection “. . . be served by mailing a copy of the same to the following parties so as to be actually received by the Eligibility Objection Deadline: (a) the City: (i) Coleman A. Young Municipal Center, 2 Woodward Avenue, Suite 1126, Detroit, Michigan 48226 (Attn: Kevyn D. Orr – Emergency Manager) and (ii) 2 Woodward Avenue, Suite 500, Detroit, Michigan 48226 (Attn: Corporation Counsel); and (b) counsel to the City: (i) Jones Day, North Point, 901 Lakeside Avenue, Cleveland, Ohio 44114 (Attn: David G. Heiman, Esq. and Heather Lennox, Esq.), (ii) Jones

---

<sup>1</sup> Unless otherwise indicated, all capitalized terms are as defined in the Motion [Docket No. 18].

Day, 555 South Flower Street, Fiftieth Floor, Los Angeles California 90071 (Attn: Bruce Bennett, Esq.) and (iv) Miller Canfield P.L.C., 150 West Jefferson, Suite 2500, Detroit, Michigan 48226 (attn: Jonathan S. Green and Stephen S. LaPlante, Esq.).”

3. The City’s counsel will receive virtually instantaneous notice of any Eligibility Objection through the ECF system at the time it is filed, and, as a result, the City, through its counsel, will “actually receive” any timely filed Eligibility Objection through that system. In addition, all electronic filings are readily available on the proposed Noticing Agent, Kurtzman Carson Consultants, LLC’s website, generally within a few hours of their filing, providing any City representative with prompt and ready access to any timely filed Eligibility Objection.

4. Nothing in the Bankruptcy Code, Bankruptcy Rules or Local Rules requires such notice, and the Public Safety Unions ask that the Notice of Commencement and any order approving it not impose this additional, unnecessarily burdensome requirement. While Bankruptcy Rule 2002(m) permits this Court to designate the form and manner of notice, the form of additional notice sought by the City does not appear to serve any purpose beyond imposing additional time and expense on a party who chooses to file an Eligibility Objection.

5. If the City satisfies the Court that the City requires immediate notice in addition to that provided by ECF and as may be provided by its proposed Noticing Agent, then the Public Safety Unions respectfully request that the City provide an email or facsimile list for individuals to whom such additional notice is to be directed.

6. With regard to the other dates and deadlines proposed by the Motion and the Notice, the Public Safety Unions will be prepared to provide comment, as directed by the Court, at the August 2, 2013 status conference.

### **RELIEF REQUESTED**

WHEREFORE, the Public Safety Unions respectfully request that, with regard to the Notice of Commencement and form of notice, this Court enter an Order approving a Notice of Commencement that (i) eliminates the requirement that Eligibility Objections be delivered by mail to the City and its counsel and (ii) incorporates the dates and deadlines established by the Court at the time of the August 2, 2013 scheduling conference, giving due consideration to the comments solicited at that conference. Alternatively, if the City persuades the Court that additional notice beyond that provided by ECF and the Noticing Agent is necessary for any Eligibility Objection, then the Order approving a Notice of Commencement provide for additional email notice to the City at email addresses specified by the City.

ERMAN, TEICHER, MILLER,  
ZUCKER & FREEDMAN, P.C.

By: /s/ Barbara A. Patek  
Earle I. Erman (P24296)  
Craig E. Zucker (P39907)  
Barbara A. Patek (P34666)  
Counsel for the Detroit  
Public Safety Unions  
400 Galleria Officentre, Suite 444  
Southfield, MI 48034  
Telephone: (248) 827-4100  
Facsimile: (248) 827-4106  
E-mail: [bpatek@ermanteicher.com](mailto:bpatek@ermanteicher.com)

DATED: August 1, 2013

F:\OTHERINS\Detroit, City of\Chapter 9 qualifications pleadings\Public Safety Unions Response to Eligibility Scheduling Motion.docx

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

IN RE:

Chapter 9

City of Detroit, Michigan,

Case No. 13-53846

Debtor.

Hon. Steven W. Rhodes

\_\_\_\_\_/

**CERTIFICATE OF SERVICE**

The undersigned certifies that on August 1, 2013, The Detroit Public Safety Unions' Limited Objection and Response to Debtor's Motion for Entry of an Order (A) Directing and Approving Form of Notice of Commencement of Case and Manner of Service and Publication of Notice and (B) Establishing a Deadline for Objections to Eligibility and a Schedule for Their Consideration and Certificate of Service were electronically filed with the Clerk of the Court for the United States Bankruptcy Court, Eastern District of Michigan, Southern Division using the CM/ECF System, which will send notification of such filing to all attorneys and parties of record registered electronically.

ERMAN, TEICHER, MILLER,  
ZUCKER & FREEDMAN, P.C.

By: /s/ Barbara A. Patek  
Barbara A. Patek (P34666)  
Counsel for the Detroit  
Public Safety Unions  
400 Galleria Officentre, Suite 444  
Southfield, MI 48034  
Telephone: (248) 827-4100  
Facsimile: (248) 827-4106  
E-mail: [bpatek@ermanteicher.com](mailto:bpatek@ermanteicher.com)

DATED: August 1, 2013